

Decision 01-10-048 October 25, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Vos Transportation, LLC, for a certificate of public convenience and necessity to operate an on-call, door-to-door passenger stage between Los Angeles International, Long Beach, Burbank, Ontario International and John Wayne Airports, Los Angeles Amtrak Station, Los Angeles/Long Beach Harbors and other places of interest, described in the body of the application, on the one hand, and points in Los Angeles & Orange counties, on the other hand; and to establish a Zone of Rate Freedom (ZORF) under § 454.2, et. seq., of the PU Code.

Application 01-05-028
(Filed May 14, 2001;
amended May 24, 2001)

O P I N I O N

Summary

This decision grants the application of Vos Transportation, LLC (Applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226 and to establish a zone of rate freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

Discussion

The application, as amended May 24, 2001, and further amended by letters of June 26 and July 16, 2001, requests authority to operate as an on-call PSC to transport passengers and their baggage between (1) points and places in the

counties of Los Angeles and Orange, on the one hand, and Los Angeles International Airport (LAX), Long Beach Airport (LGB), Burbank Airport (BUR), Ontario International Airport (ONT), John Wayne Airport (SNA), Los Angeles/Long Beach Harbors (HRBRS), downtown Los Angeles (LA), and Westchester, CA 90045 (LAX/LA-WST), on the other hand, and (2) points and places in Los Angeles County and AMTRAK Station, Los Angeles (AMTRAK). Applicant proposes to use 15 seven- passenger vans. The proposed fares as listed in Exhibit B range between \$5 (El Segundo - LAX) and \$125 (Lake Hughes – SNA). Exhibit D, is the unaudited Balance Sheet as of April 30, 2001, that discloses assets of \$176,334; liabilities of \$29,078; and net worth of \$147,256.

Applicant also requests authority to establish a ZORF of \$20 above and below any of the proposed fares shown in Exhibit B. The minimum fare will be \$5. Applicant will compete with other PSCs, taxicabs, limousines, buses, and automobiles in its service area. The establishment of the ZORF is fair and reasonable.

Notice of filing of the application appeared in the Commission's Daily Calendar on May 14 and 24, 2001. Applicant notified the affected airports and governmental entities.

In Resolution ALJ 176-3064 dated May 24, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3064.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. The amended application requests authority to operate as an on-call PSC to transport passengers and their baggage between (1) points and places in the counties of Los Angeles and Orange, on the one hand, and LAX, LGB, BUR, ONT, SNA, HRBRS, LA, and LAX/LA-WST, on the other hand, and (2) points and places in Los Angeles County and AMTRAK.
2. Public convenience and necessity requires the proposed service.
3. Applicant requests authority to establish a ZORF of \$20 above and below any of the proposed fares shown in Exhibit B, attached to the application. The minimum fare will be \$5.
4. Applicant will compete with PSCs, taxicabs, limousines, buses, and automobiles in its operations. The ZORF is fair and reasonable.
5. No protest to the application has been filed.
6. A public hearing is not necessary.
7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application, as amended May 24, 2001, and further amended by letters of June 26 and July 16, 2001, should be granted.
2. The request for a ZORF should be granted.
3. Before Applicant changes any fares under the ZORF authorized below, Applicant shall give this Commission at least ten days' notice. The filing of ZORF fares should be shown in the tariff showing between each pair of service points the high and low ends of the ZORF and the then currently effective fare.
4. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPCN) is granted to Vos Transportation, LLC (Applicant), a limited liability company, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-14111, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.

- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
- 3. Applicant is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$20 above and below any of the proposed fares, shown in Exhibit B, attached to the application. The minimum fare will be \$5.
- 4. Applicant shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.
- 5. Applicant may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and the fare to be charged.
- 6. In addition to posting and filing tariffs, Applicant shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.
- 7. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to the Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.
- 8. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.
- 9. The CPCN to operate as PSC-14111, granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The Application, as amended, and further amended by letters of June 20 and July 16, 2001, is granted as set forth above.

11. This proceeding is closed.

This order is effective today.

Dated October 25, 2001, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

RICHARD A. BILAS

CARL W. WOOD

GEOFFREY F. BROWN

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-14111

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Vos Transportation, LLC, a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section III, and over and along the routes described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. No passengers shall be transported except those having a point of origin or destination as described in Sections IIB, IIC, IID or IIE.
- D. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

A. Points and places in the counties of Los Angeles and Orange.

B. Airports.

Los Angeles International, Long Beach, Burbank, Ontario International and John Wayne Airports.

All points within the geographical limits of U.S. Postal Zip Code 90045.

C. Los Angeles and Long Beach Harbors.

D. Los Angeles AMTRAK Station (AMTRAK).

E. Downtown Los Angeles is described as the points and places within the geographical limits of the following U.S. Postal Zip Codes: 90007, 90012, 90013, 90014, 90015, 90071, and 90089.

SECTION III. ROUTE DESCRIPTIONS.

Route 1 – Airports/Los Angeles/Orange Counties

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to any point or place described in Sections IIB and IIC, and IIE.

Route 2 – LA/ AMTRAK

Commencing from any point in Los Angeles County, then over the most convenient streets, expressways, and highways to AMTRAK Station described in Section IID.

RSCD/mm